

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 25, 2023**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSE ANTONIO CONTRERAS,

Petitioner,

v.

JAMES KEY,

Respondent.

NO: 4:23-CV-05011-RMP

ORDER DISMISSING ACTION

By Order filed March 22, 2023, the Court ordered Petitioner Jose Antonio Contreras, a prisoner at the Airway Heights Corrections Center, to show cause why his *pro se* Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 should not be dismissed as premature under Rule 4, Rules Governing § 2254 Cases. ECF No. 4 at 6. The Court cautioned Petitioner that his failure to show cause would be construed as his consent to the dismissal of this action. Petitioner did not show cause and he has filed nothing further in this action.

Accordingly, **IT IS HEREBY ORDERED:**

1. This action is **DISMISSED without prejudice** to pursuing available

1 state court remedies.

2 2. The Court certifies that any appeal from this decision could not be  
3 taken in good faith, and there is no basis upon which to issue a  
4 certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

5 A certificate of appealability is therefore **DENIED**.

6 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
7 Order, enter judgment, provide a copy to Petitioner at his last known address, and  
8 **close** the file.

9 **DATED** April 25, 2023.

10  
11 *s/ Rosanna Malouf Peterson*  
12 ROSANNA MALOUF PETERSON  
13 Senior United States District Judge  
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